

CERTIFIED TRUE COPY

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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY
OAL DOCKET NO. BDSDN-0615-00N

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
KEVIN WARD, D.D.S.	:	CONSENT ORDER
License No. DI14747	:	
	:	
TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the State Board of Dentistry (hereinafter the "Board") by way of Verified Administrative Complaint filed on April 5, 2000, by John J. Farmer, Jr., Attorney General of New Jersey, Hakima Bey-Lawson, Deputy Attorney General appearing, alleging respondent, Dr. Kevin P. Ward, had engaged in gross or repeated acts of malpractice, negligence, incompetence and/or professional misconduct in connection with his treatment of five minor patients. On July 18, 2000, the Attorney General filed an Amended Verified Complaint alleging that Respondent engaged in gross or repeated acts of malpractice, negligence, incompetence and/or professional in his

treatment of eight additional patients. Respondent duly filed verified Answers to the Complaint and Amended Complaint, rendering the matter a contested case as defined by N.J.S.A. 52:14B-1, et seq. and seeking a plenary hearing as provided by law. Thereafter the Board transmitted the matter to the Office of Administrative Law for a plenary hearing. A hearing was scheduled to commence on October 25, 2000, before the Honorable Edith Klinger, A.L.J., and all parties were prepared to proceed at that time.

The parties being desirous of resolving this matter without further formal proceedings and the Board finding the within Order adequately protective of the public health, safety and welfare, and for good cause:

IT IS on this 1 day of November, 2000

ORDERED AND AGREED:

1. Respondent, Kevin Ward, D.D.S., shall surrender his license to practice dentistry in the State of New Jersey, which surrender shall be deemed a revocation. Notwithstanding any provision of law, no application for reinstatement of license to practice dentistry shall be entertained prior to three years from the filing date of this Order. Respondent shall promptly arrange for delivery of his engrossed license and of his current biennial registration to the Board. Respondent shall observe the provisions of the directives for dentists whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part of the within Order.

2. Respondent shall be permitted to continue administrative practice only under the terms of the April 10, 2000, Order of Temporary Suspension of Clinical Practice until such time as he can sell his dental practice or for a period of 120 days, from the date of entry of this Order, whichever

occurs first. If respondent sells his practice before the expiration of 120 days, he shall immediately notify the Board and the Attorney General.

3. Respondent shall pay all costs and attorney fees of the Board in the amount of \$60,219.41. Respondent shall also pay civil penalties in the amount of \$10,000. Said civil penalties and costs shall be memorialized in a Certificate of Debt filed by the Board upon entry of this Order and duly recorded in the State of New Jersey. Any and all payments shall first be applied to costs and then to civil penalties.

4. The civil penalties and costs shall be paid by Respondent in monthly installments of seven hundred and fifty three dollars and twelve cents (\$753.12), including the statutory interest rate of five-percent (5.0%), pursuant to the provisions of R. 4:42-11 and shall be paid on or before the tenth (10th) day of each month, commencing November 10, 2000. However, should Respondent become reinstated, his monthly installment payments shall increase to one thousand five hundred dollars (\$1,500.00) per month plus interest and continue until such time as the entire amount of penalties, costs and interest are paid. In the event that payment is not made by the tenth day of the month as required, the entire remaining amount of both costs and civil penalties shall immediately become due and owing upon notice to Respondent by the Board. No possible application for reinstatement will be considered if Respondent is in arrears on any payment. Said payments for civil penalties and costs shall be made by certified check or money order and made payable to the State Board of Dentistry and shall be submitted to Kevin Earle, Executive Director, State Board of Dentistry, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101.

5. Respondent may make an application for reinstatement to be considered by the Board no sooner than three years from the date of entry of the Order. Although such reinstatement may not

be unreasonably withheld, prior to any possible application for reinstatement, respondent must fully comply with the conditions listed below:

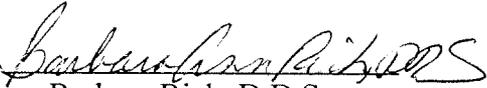
a. Within one year from the date of entry of this Order, Respondent shall undergo a psychiatric/psychological evaluation by an independent and impartial professional designated by the Board addressing the issue of suitability and capability of the Respondent to provide dental care. The Board shall provide three names to the Respondent and the Respondent shall choose one name and advise the Board of that choice within 30 days of the Board's supplying of those names. A report from such examining professional shall be provided to the Board. Should such professional recommend treatment for the Respondent, Respondent shall undergo such treatment. Respondent shall bear all costs associated with said evaluation and treatment. Additionally, within six months prior to any application for reinstatement, Respondent shall undergo a second psychiatric/psychological evaluation by the same professional who had previously evaluated the Respondent and a report from that professional shall be supplied to the Board. If for any reason that professional shall be unavailable to complete the evaluation, Respondent shall notify the Board and another independent professional shall be designated by the Board. Respondent shall bear all costs associated with this additional evaluation.

b. Together with any petition for reinstatement Respondent shall submit proofs of completion of a re-education program to assure his knowledge of safe dental care and procedures, consisting of a minimum of 60 credits hours which shall be approved in advance by the Board. At least 50% of said credits shall be for programs addressing patient management and safety issues. Such credit hours shall be in addition to the minimum of twenty hours per year of continuing education required of a licensee whose license has been revoked in accordance with N.J.A.C. 13:30-5.1(a)1(ii).

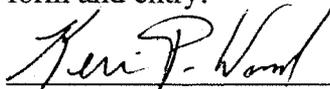
6. The Board specifically reserves the right to impose limitations on Respondent's practice at the time of any possible reinstatement of licensure including, but not limited to, a practice monitor.

7. This Consent Order constitutes a full and final resolution and settlement of all matters raised or which could have been raised herein, and in consideration thereof, the Complaint and Amended Complaint herein are hereby dismissed.

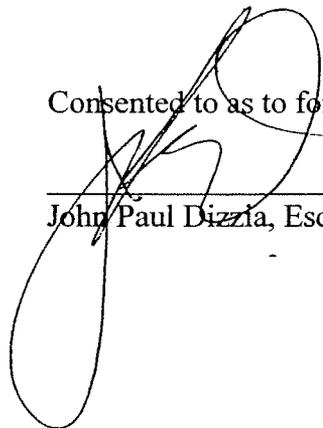
State Board of Dentistry

By: 
Barbara Rich, D.D.S.
President

I have read and understood the within Order and agree to be bound by its contents. Consented to as to form and entry.


Kevin Ward, D.D.S.

Consented to as to form


John Paul Dizia, Esq.

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.